

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

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Civil Action No. 4:20-cv-00957-SDJ

**DEFENDANT GOOGLE LLC’S NOTICE OF WITHDRAWAL OF EXPERT ITAMAR
SIMONSON**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Having considered the contemplated four-week trial schedule in this case, Defendant Google LLC (“Google”) withdraws its previous designation of Dr. Itamar Simonson as an expert witness. Google does not intend to call Dr. Simonson as a trial witness in this matter, nor will it elicit testimony from any other witness concerning any opinion previously rendered by Dr. Simonson.

Google’s withdrawal of Dr. Simonson as an expert renders moot Plaintiffs’ “Motion to Exclude Opinions of Itamar Simonson,” ECF 673,¹ so the Court need not decide it.

¹ See *Janvey v. GMAG LLC*, 2016 WL 11782224 at *1 (N.D. Tex. Oct. 17, 2016) (withdrawal of expert, “standing alone, moot[s] any remaining controversy” as to motion to exclude) (citing *Andrade Garcia v. Columbia Med. Ctr. of Sherman*, 996 F. Supp. 617, 621 (E.D. Tex. 1998) (denying as moot defendant’s motion to strike expert where plaintiffs represented to court they would not attempt to elicit expert testimony from witness at trial); *Rowe v. Stewart & Stevenson Servs., Inc.*, 2004 WL 1810686, at *3 (E.D. La. Aug. 12, 2004) (finding defendant’s motion to strike expert report and to exclude expert testimony moot where plaintiff’s counsel informed court of his intention to withdraw witness as an expert)); cf. *McGoldrick Oil Co. v. Campbell, Athey & Zukowski*, 793 F.2d 649, 653 (5th Cir. 1986) (finding no justiciable dispute in an action seeking to compel production of documents when defendant had already offered to produce the requested documents).

Dated: February 26, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 26, 2025, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ Kathy D. Patrick

Kathy D. Patrick